

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

VIDEO GAMING TECHNOLOGIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 17-CV-00454-GKF-JFJ
	)	
CASTLE HILL STUDIOS LLC	)	
(d/b/a CASTLE HILL GAMING);	)	
CASTLE HILL HOLDING LLC	)	
(d/b/a CASTLE HILL GAMING); and	)	
IRONWORKS DEVELOPMENT, LLC	)	
(d/b/a CASTLE HILL GAMING),	)	
	)	
Defendants.	)	

**ORDER**

This matter comes before the court on defendants’ Submission Concerning the Public Filing of this Court’s Opinion and Order dated June 5, 2019 (Doc. 316) [Doc. 331] and plaintiff’s Notice of Proposed Redactions to Docket No. 316 [Doc. 333].

“Whether judicial records and other case-related information should be sealed or otherwise withheld from the public is a matter left to the sound discretion of the district court.” *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589 (1978)). “[W]here documents are used to determine litigants’ substantive legal rights, a strong presumption of access attaches.” *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1242 (10th Cir. 2012) (quoting *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006)). However, the presumption may be overcome “by demonstrating the pages contain ‘sources of business information that might harm a litigant’s competitive standing.’” *Deherrera v. Decker Truck Line, Inc.*, 820 F.3d 1147, 1162 n. 8 (10th Cir. 2016) (quoting *Nixon*, 435 U.S. at 598). Upon review, the court concludes that portions of VGT’s proposed redactions contain proprietary source code

of a third-party and therefore, with respect to that information, the presumption of access is outweighed by the business interest of a non-party to this litigation. However, the court declines to adopt the remainder of VGT's requested redactions—specifically, identification of “popular electronic gaming machines from IGT” and that “[t]he VGT source code included pay table files that appear to reference these electronic gaming machines from the other manufacturer, IGT[.]” [Doc. 316, p. 9].

The court directs that a redacted version of docket entry no. 316 be filed, consistent with this order.

IT IS SO ORDERED this 1<sup>st</sup> day of November, 2019.

  
GREGORY K. FRIZZELL  
UNITED STATES DISTRICT JUDGE